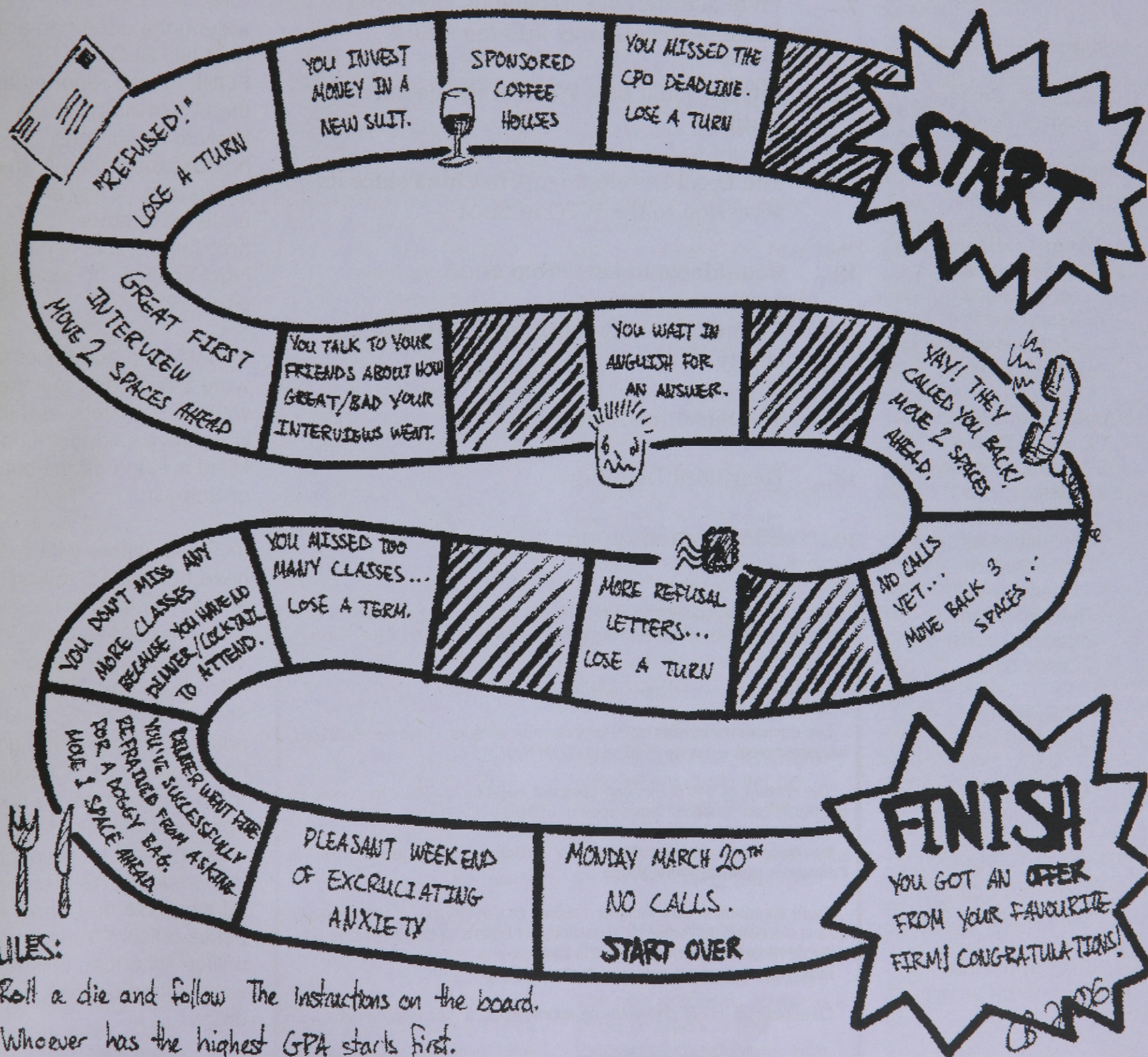


QUID NOVI

McGill University, Faculty of Law
Volume 26, no. 19, 21 March 2006

COURSE AU STAGE 2006 - THE BOARD GAME



RULES:

1. Roll a die and follow the instructions on the board.
2. Whoever has the highest GPA starts first.
(Apparently firms still care about the standard grading system.)

QUID NOVI

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

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<http://www.law.mcgill.ca/quid/edpolicy.html>.

Contributions should preferably be submitted as a .doc attachment.

EDITORIAL

Donald Rumsfeld denied that Iraq was in a civil war. It was revealed that in 2002 a U.S. Special Operations unit imprisoned Iraqis in Hussein-era torture chambers, then used them as targets in paintball games. "The reality is," said a Pentagon official, "there were no rules there." Posters around the detention area read NO BLOOD, NO FOUL. It was reported that the U.S. military is less likely to discharge homosexuals than it was in the past. "They are under enormous pressure," explained a legal analyst, "to retain people."

In California authorities were fitting gang members with GPS anklets, and the U.S. Navy said that it had killed a pirate off the coast of Somalia.

In Texas, where wildfires have burned 3.5 million acres of land since December, Miss Deaf Texas was struck and killed by a train. "They sounded the horn," said a police detective, "and got no response." In Chicago a man named Jakub Fik, upset with his girlfriend, was arrested for smashing car windows; he also cut off his penis and threw it at police officers. At least 2.5 million American children were taking antipsychotic drugs.

-- From *Harper's Weekly Review*

TRANS-SYSTEMIA SCRAPPED!!

Montreal (Associated Press)

In a stunning turn of events, outgoing Dean of McGill Law, Nicolas Kasirer announced at a press conference today that the Trans-systemic program at the Faculty is being scrapped after a 7 year run. Rumours of the program's demise had been circulating for 6 years but the final straw appears to have been the realization that the CBC bypasses the Faculty every time local news needs a comment on current affairs from a legal source. "The deepening sense of irrelevance made it clear that our chances of being appointed to the Quebec Superior Court were diminishing" said the dapper Dean. Faculty insiders denied any notion that persistent student dissatisfaction with the program had anything to do with the decision. "We're not a responsive organization, we're an academic institution" scoffed an insider who refused to be named.

The Faculty was recently rocked by scandal when it was revealed that graduate students in Concordia's Computer Science program had developed a sophisticated script based on the infamous Dada Engine that could fit on a laptop. As part of their thesis requirement, the laptop was enrolled at McGill's Faculty of Law and graduated with honors in 2005, narrowly missing a medal due to insufficient battery-life. Said one of the program's designers, Max Lebowski, "If the schedule had fewer courses in the Moot Court we could have made it, this is a human factor issue man, not a technology issue." "Lies, damned lies!" was the vehement response from the Assistant Dean of Student

Affairs. This was backed up by the Assistant Dean Academic who said "I scrutinized those papers, and let me tell you there were at least four footnotes per sentence!" Similarly, rumours that the program was offered a teaching post if it could come in a bilingual version were also dismissed.

While details are sketchy, it appears that the Faculty curriculum is to be restructured around the radical notion that law schools should produce lawyers who know the law. Students expressed mixed reactions when interviewed in the Faculty's swanky basement espresso bar, Pino's: "Seriously? Seriously? But what about my paper on politically neutered albino farmers in 19th century Amazonian societies?" asked one clearly sleep-deprived self-professed radical. One of her peers was quick to come to her rescue, "She's just tired, after all, it is common knowledge that albino farmers were a 17th century phenomenon and voluntary castration can hardly be described as political neutering." Others were more sanguine about the prospects of a new curriculum, "Whatever, I'll be grandfathered dude" was the verdict from a multi-tasking whiz-kid who seemed to have been surgically attached to his Apple laptop. But the news that the new curriculum would pay more attention to professional bar association requirements was met with dismay by at least one student who had just been fitted with his Bay Street barcode, "F*ck me! You mean I have to take Family Law?"

Eager to demonstrate that normativity could fill just about any space anywhere, Professor Macdonald was quick to opine about the symbolic meaning of the demise of Trans-systemia, the first outpost of Law's Empire, "The means-end rationality of creating social change through empty vessels as a hermeneutic nomos was lost on society at large. Pluralism of legal categories and narratives appears not to operate in a vacuum but is sullied by instrumentalist concerns for social justice." Translation: there's always graduate school. A representative of the New York firm of Smith Cheney & Wesson LLP also expressed surprise, "McGill had a trans-systemic program?"

Not all the details of the new program were clear but it would appear that students would still graduate with degrees in common law and civil law. The McKinsey consultant that designed the new plan as part of his Enron-related community service was quick to point out that eliminating the 100% end-of-year final would reduce mental health issues at the Faculty by at least 50% and he had the pie-charts to prove it. Spokespeople for various bar associations could not be reached as they had not returned from their martini lunches with the national firms by our 4PM filing deadline.

Perhaps the biggest change would be the system of evaluation at the Faculty. The new proposals envisage a blend of practical and theoretical components with no evaluation to exceed 50% of the total. "Oh crap!" gasped

legendary correspondence student, John Ramsay. To make matters worse, factum drafting and mootng is to form part of the evaluation in several second-year courses. "That's just wrong!" exclaimed that student who always sits at the back and never says anything in any class, what's-her-face.

Faculty reaction was less than enthusiastic and nobody wanted to go on record before the Union of Collegiate Knowledge Workers and Doctoral Students had a chance to digest the issue. The ever-present anonymous insider did tell us that the mood was tense, "Change is hard you know... people are talking about early retirement, or at least another research institute before this goes down". Asked where the money would come from, he said "Probably some dead white capitalist's foundation, maybe the government, that's not really our concern here... we're entitled to some job security in the traditional customary meaning of the term, not some real-world analogue."

With all the confusion, we tracked down the infamous Reasonable Man as he sat down to watch his girlfriend over a plate of buffalo wings at Club Super non-Contact on St. Catherine's Street. "I don't know man, it's a tricky issue... all that common sense can't be good... everything in moderation right?"

© Aleks Zivanovic 2006

The Square

Art, Boxes and a Dreamy Newscaster

by Nicholas Dodd (Law I)

My roommate recently announced to an astounded household that he was about to become a published art critic. Now, for those of you who know my roommates I imagine you are shocked, but I assure you, this is actually happening. For those of you who do not know my roommates, I shall put it this way: after hearing the news the rest of us immediately concluded that hell had finally frozen over. Either that or this was one of those small signs that marked the coming of the apocalypse. You may think that I exaggerate but trust me - come over any particular Friday evening and try and start a conversation about the virtues of Van Gough's impressionist phase. I don't even want to tell you about what happened the last time somebody tried that.

The reason I relate this anecdote is that it got me thinking about the last time I enjoyed the company of some good

art. At the moment the only art I get exposed to is that of everyday life - the ebb and flow of life in the city, the reflections of streetlights in puddles of water, and the ubiquitous graffiti of urban Montreal. Now I do not wish to disparage this category of art in any way - in fact, I think one could make a pretty strong argument that this is art at its finest. After all, why have a simple brick wall when you can have a brick wall with a painting of Frankenstein on it? What I am merely driving at is the fact that, between the demands of school, pro bono work, the recently resurrected McGill International Law Society (yes, this is a shameless plug) and other assorted activities, I do not get out much. No art galleries, no plays, no cinema - life, as it were, inside a box.

Only recently have I come to terms with the truly desperate nature of my plight. Please understand, it is not just a lack of high-society entertainment

that I complain of, but more-over a complete deficiency of any cultural (pop or otherwise) exposure at all. My apartment has a television that only picks up two channels: CBC and Radio-Canada. It rarely, if ever, gets turned on, and even then you can only take so much of Peter Mansbridge before his thoughtful gaze starts keeping you up at night. My print media is limited to the copy of the *National Post* that gets delivered to our door each morning and which I proceed to ignore thereafter. Of course, there is always that limitless source of information known as the Internet, but even then my time there is generally limited to perusing *The Onion* or *The Globe and Mail*, the former usually giving me a better idea of what is happening in the world than the latter. My pop-culture references have become so stale (though admittedly they were not all that sharp to begin with) that I recently found

myself quoting lines from *Uncle Buck* looking for a laugh. Kids these days, they just don't appreciate true comedy.

Now I realize that the rest of you probably do a much better job than I at getting out there and sampling the cornucopia of cultural fruits that any big city like this offers. I have promised myself that this summer holds nothing but music, art, theatre and novels for my poor starving soul. Of course, then again, life in the box isn't all that bad - it's non-threatening, predictable, and contains no references to Oprah Winfrey, the Oscars or 24. So if you will forgive me, I think I'll climb back in, until April 28th at least. Come and get me then - but only if you can promise that I will never have to hear another Black Eyed Peas song. And I mean it. ■

2006 McGill Law Students' Art Show

by Stephanie Colford (Law II)

For a whole week in March, the Atrium is transformed into an art gallery where several law students exhibit their artistic talents. A whole variety of different aesthetic styles were present in the 2006 show.

Valérie de Granpré Chapdelaine portrayed serene yet fanciful landscapes in her

three untitled works. What happened to the people in the rowboat? Did they reach the castle in the clouds? Looking at this painting, I couldn't help but escape into a fairyland and imagine a slew of different tales. Marie-Julie Gauthier also exhibited a beautiful landscape entitled *Dans un regard, l'infini...* I was one of her biggest fans

last year, so I was particularly thrilled that this year she exhibited her latest romantic landscape picturing a stunning sunset.

Wei-Tang Huang's untitled black-and-white photographs captured interesting angles of several spots in New York. The view of the Twin Towers sent shivers down my spine,

and the winding stairs in the Nordstrom department store had a dizzying effect on me. Next to them, Sam Carsley's colour photographs took me to the Mediterranean where streets are cobblestoned and butchers set up small shops at every other corner.

A few black-and-white portraits of young men hung

next to the stairs. Marguerite Tinawi's *Ôdauzommes* (Ode aux hommes) and Sam Carsley's *Philby* represented intriguing men lost in their own thoughts. To their right, Natalie Haras' *Self-Portrait* brightly contrasted them with her smiling face and strong colours.

Of particular significance to law students at this time of year was perhaps Sam Carsley's installation, *Not*

Retained. I immediately identified with his work not only because I participated in la Course aux Stages this year, but the wheelbarrow was also of special significance to me. As a teenager, I spent a summer as a stablehand mucking stalls, so to me, there could be no better place than a wheelbarrow for rejection letters. Ryan Anderson's *Turning Priesthoods* also used a variety of different materials like bark and cardboard, which

invoke a whole array of different meanings to different people. On the opposite wall was Julie Brisson's *Toujours, j'attends* representing empty mailboxes. They reminded me of those many mornings over the past month when I would check the mailbox before anybody else, hoping not to receive anything!

Finally, Derek McKee's *Class* video captured the essence of a law student's life. How

many of us chuckled at identifying professors' signature quotes? Did you recognize your classmates' heads?

In all, I'm very grateful so many law students participated in this year's show. It was a pleasure to organize with Julie Brisson and Ryan Anderson, and it once again uncovered the hidden talents of many more law students. ■

HRWG Photo Exhibit

by Phil Alma (Law III)

A few weeks ago the Human Rights Working Group, with the generous support of the Dean's Discretionary Fund, brought to you a photo exhibit showcasing pictures taken by McGill's law students who participated on various human rights and humanitar-

ian internships. The goal of the exhibition was to promote the important work done by the students, as well as to promote volunteerism (in Montreal, Canada, and abroad) at the faculty. We would like to thank the faculty and students for their support and

feedback, and the students who kindly contributed their photos to the exhibit. I would especially like to thank Natalie Haras, Natalie Drolet, and Alexis Landry for their hard work and amazing dedication to the project. We hope that this was only the first of

many such exhibits at the faculty.

I am also glad to say that some of the photos will be available for purchase during the Skit Nite Silent Auction. The proceeds of the sales will go directly to the charities chosen by the Skit Nite organizers. Please visit the Skit Nite website at <http://www.law.mcgill.ca/students/clubs/skitnite/>. ■

OPEN INVITATION!

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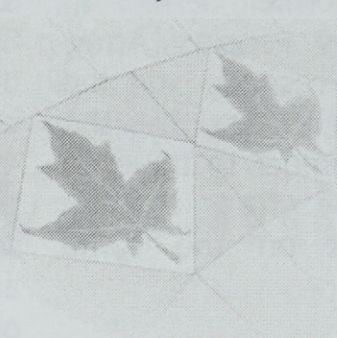
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Where: Moot Court

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Tough Lessons for International Justice From Death of Milosevic

by Benjamin Perrin (Law II)

The discovery of the lifeless body of former Yugoslav President Slobodan Milosevic in the U.N. detention unit used by the International Criminal Tribunal for the former Yugoslavia brings with it some difficult questions for international justice. Was the Tribunal responsible for his death? How could the trial have dragged out so long? Could the interests of victims have been better served by another process?

An autopsy by Dutch forensic pathologists, observed by two pathologists from Belgrade, found Milosevic died from a "myocardial infarction", which could be explained by two heart conditions that inflicted him. From a legal perspective, the microscope will initially be on the February 23 decision of the Trial Chamber which denied the request by Assigned Counsel for Milosevic for provisional release to obtain medical treatment in Russia. Milosevic supporters are claiming the decision is responsible for his death, and Russia's Foreign Ministry is reminding the world that it was prepared to guarantee he would return for the continuation of his trial once treated for heart problems.

However, these claims have no credibility on a review of the case and practice of the Tribunal. The Trial Chamber's decision was made on the basis that there was "no real attempt to demonstrate that the Accused's medical needs

cannot be met in the Netherlands". A compromise was even proposed by the Trial Chamber, such that "if the Accused wishes to be treated by specialists who are not from the Netherlands, such physicians may come here to treat him". The rule is a sensible one, and certainly recognizes the right of the accused to medical treatment together with their risk of absconding or unnecessarily delaying proceedings.

Milosevic is not the first accused to have been denied a request for medical treatment outside of the Netherlands, where the Tribunal it is based. Pavle Strugar, a former General in the Yugoslav Peoples' Army, was also recently denied provisional release by the Appeals Chamber to travel to Montenegro for a hip replacement on the same grounds.

Of the 133 accused persons appearing before the Tribunal, four, including Milosevic, have died while in detention. Milan Babic committed suicide last Monday, as did Slavko Dokmanovic on June 29, 1998, whereas Milan Kovacevic was found to have died of natural causes on August 1, 1998. Acts of suicide by several Nazi accused also took place after World War II in the jail used by the Nuremberg tribunal.

As a full inquiry seeks to determine why Milosevic died, broader attention will also be

paid to how the first case in history against a Head of State for war crimes was handled. Improvements in prosecutorial strategies, rules of procedure and case management techniques used by courts hearing cases involving war crimes, crimes against humanity and genocide should be made.

In The Hague, Arusha, East Timor, Sarajevo, Freetown and Baghdad, there are many examples of successes and failures for international justice to profit from, but few efforts have been made to consolidate these valuable lessons. To give one example, on Friday the Institute for War & Peace Reporting published findings of an internal memo that said Milosevic's court time was running out - he had just 40 hours left to lead his defence. Putting him on the same clock as prosecutors, and keeping him to it was one of the innovations that the judges of the Tribunal were able to maintain with some success.

Fair trials with all of their procedural and evidentiary safeguards take time, especially international trials which are designed to serve as models for new democracies. However, we now know that the indictments against Slobodan Milosevic totaling 66 counts were far too ambitious. It had been publicly called a "high stakes" approach by former Tribunal lawyer Marieke Wierda and we now see why.

Milosevic could already have been judged and, if convicted, sentenced if a more targeted and streamlined indictment had been issued. It would have been no easy task. One of the biggest dilemmas facing the promise of international criminal law to end impunity for war criminals is undoubtedly what charges to lay and which ones not to lay, even when there is very strong evidence for all of them and victims calling out for justice.

The lack of a judgment definitively ruling on all of the allegations against Milosevic is far more troubling than would have been a judgment covering only the most egregious crimes. It is for that reason that combined approaches including focused international criminal prosecutions, together with truth and reconciliation commissions as well as national trials can strike the right balance. Only then can justice be truly served.

Benjamin Perrin is an LL.M. candidate specializing in international criminal law, is Assistant Director of the Special Court for Sierra Leone Legal Clinic and worked this past summer at the International Criminal Tribunal for the former Yugoslavia in The Hague.■

Vivre la différence : rebellious lawyering

by Jen Wu (Law II)

This reading week, I attended the rebellious lawyering "reblaw" conference—I've been meaning to write about it because it gave me fresh inspiration for law, which I needed to remind me why I quit my job to come to law school in the first place.

About a dozen of us from McGill drove down to the conference, which was held over two days at Yale University in New Haven, Connecticut. Our first notable experience involved being held up at the US border by the lovely Department of Homeland Security. As the officer photographed and fingerprinted the Spaniard of our group (the rest of us seething in the background), he urged us to "be careful in New Haven, it's dangerous!" a warning we

would continue to hear when we arrived at the small city. And yes, it's disconcerting to walk in the pristine New-England campus of Yale, where by contrast 24.4 percent of people in New Haven live below the poverty line.¹ After 6 PM every day a shuttle service brings students straight to the door of their homes, a tribute to the crime arising from the disparity between the über-elite university and the rest of the city.

"Think globally and act locally!" was an oft-cited slogan at the first panel I went to on human rights. Ironically, there was more talk about Nigeria with scarce a mention of any problems "here". But I thought the panel was great as a critique of the failure of interna-

tional human rights to actually empower the marginalized in developing countries. This is something I've felt but have been reluctant to vocalize—although people don't take me seriously anyway when I say: "I don't believe in human rights". Throughout the day, I grabbed nuggets of inspiration and ideas where I could as I went to panel discussions on such things as standing in environmental litigation, the appalling state of the criminal justice system in New Orleans pre & post-Katrina, and civil rights protesting.

All in all, I really needed that weekend to feel normal again. As much as it was called 'rebellious', to me it was the type of law we're *supposed* to be talking about anyways (I suspect the SPINlaw confer-

ence at Osgoode is actually more radical, but us modest Canadians would spurn the use of such overt *rebel* language). Since the registration fee is only \$30 and accommodation is through home-stays with Yale law students, there is absolutely no reason why we can't send a large contingent of McGill students every year—and maybe design our own such conference in the future as well.

This is the third article in an Educational Equity Committee series about diversity at the law school.

¹ Statistics from the US government: <http://www.fedstats.gov/qf/states/09/095200.html>.■

Chico Powers its Way into the Finals

by Michael Hazan

Two colossal events will be hitting the Law faculty this week. Skit Nite has been promoted for weeks, will be highly entertaining and will raise a lot of much-needed funds for Montreal charities. The other has been a goal for a select few soldiers, will provide electrifying on-ice action and will hopefully bring championship glory to Chico Resch.

Playing in the finals for the fourth consecutive year, Chico is still looking for a championship in the Ken McKay era. The savvy veteran hopes that

his final days on campus will end on a high-note. "I have plied my trade on this team for years, I have brought leadership and intensity when we needed it, now I just want to climb that final peak", said McKay, looking ten years younger after recent hiking trips to Thailand and Argentina. He and his teammates were still glowing after a hard-fought 3-2 victory over their arch-rival Pines Power.

Chico fell behind twice in the game but Captain Casey Leggett scored two goals to even things up. After some

incredible penalty-killing by the entire team, Chico was able to earn a power-play of their own with seven minutes to play. Chico was working very hard in the Pines' end, when Speedy Steve Gough took a pass, moved in and stuffed the puck behind the goalie for the game-winning goal. Chico made sure to hold off Pines this time around as they did not want a repeat of last year's finals when Pines scored two late goals to snatch the title away.

Marc Purdon, watching via satellite from Groningen,

Netherlands, was speechless as his Pines team could not mount a comeback against a rock-solid Mike Eldridge. The championship game against the Long Poles is Wednesday, March 22 at 10:30pm at the McConnell Arena and the entire faculty is invited to attend. Please come out and support the team. With many veterans departing win or lose, this game is sure to become an ESPN Classic. Chico is hoping to give all you hard-working law students two reasons to get out and party this week.■



International Law Week

SPONSERED BY MCGILL INTERNATIONAL LAW SOCIETY



Monday, March 20th

Treatment of Human Trafficking Victims in Canada

12:30pm, Room 101 NCDH

Benjamin Perrin, Executive Director, The Future Group

Sgt. Dan Ste-Marie, RCMP (Ottawa)

Suzie Raymond, RCMP (Montreal)

Wednesday, March 22nd

Impressions of the World Social Forum, Venezuela

12:30pm, Room 201 NCDH

Marc-André Séguin, LIII

Thursday, March 23rd

Coffee House

4:30-7:30pm, Atrium

Co-hosted with Innocence McGill

Friday, March 24th

The Death of Slobodan Milosevic: What Next for the Hague War Crimes Tribunal?

3:00pm, Room 16 OCDH

Dr. Payam Akhavan, Former ICTY Prosecutor

Reception to follow in the Atrium



www.law.mcgill.ca/mils/



International Law Week at the Faculty

by Sean M. Kelly (Law I)

After a hiatus of two years, the McGill International Law Society (MILS) has been reestablished and its members are eager to renew the efforts of our predecessors to promote the interdisciplinary study of and informed discussion concerning the field of international law. To that end, MILS will be presenting a series of events during the week of **March 20th - 24th** as part of **International Law Week**:

- Monday, March 20th, Room 101, 12:30 pm: Graduate student **Benjamin Perrin** and RCMP officers **Sgt. Dan Ste-Marie** and **Suzie Raymond** will deliver a talk on the critically important subject of human trafficking, followed by a roundtable discussion and question and answer session. We shall investigate the nature and scope of the problem and consider the role

which international law may play in efforts to combat one of the greatest challenges of our time. Refreshments will be provided for the enjoyment of all participants.

- Wednesday, March 22nd, Room 201, 12:30 pm: **Marc-André Seguin** (Law III), who was recently sponsored by the LSA to attend the World Social Forum in Venezuela, will be making a presentation on his impressions from the Forum. Come and discuss issues of international development and international law in Latin America. Monsieur Seguin will be also be showing slides taken during his travels, and after the conclusion of the presentation, questions and comments will be welcomed in French, English and Spanish, while refreshments are served.

- Thursday, March 23rd, the Atrium, 4:30 pm: the McGill

International Law Society and Innocence McGill will be co-sponsoring a **Coffee House** where, in addition to the usual fine assortment of beverages, we shall be selling some food. Come and partake of an act of altruistic imbibing.

- Friday, March 24th, Room 16 OCDH, 3:00 pm: Renowned scholar, commentator and former Legal Advisor to the Prosecutor's Office of the International Criminal Tribunal for the Former Yugoslavia (ICTY), **Dr. Payam Akhavan**, who was involved in the prosecution of Slobodan Milosevic, will be making a presentation entitled "*The Death of Slobodan Milosevic: What is Next for the Hague War Crimes Tribunal?*". We shall examine the historical and legal significance of the first prosecution of a head of government and what work remains for the tribunal to complete in the coming years.

Dr. Akhavan's speech will be followed by a question and answer session. Following the event, come and join us in the Atrium for a wine and cheese.

In an era of unprecedented international cooperation and myriad threats to the international order, the field of international law is confronted by significant challenges, but also by extraordinary opportunities. Join us as we explore the role presently played by international law in a variety of situations and the ways in which it may develop in the years to come.

If you would like to join the MILS, please do not hesitate to email us at mcgill.ils@gmail.com or visit our website: www.law.mcgill.ca/mils. ■

Untitled

by Tyler Harlton (Law I)

In November 2005, Timothy Wood (Law I) wrote an article in the Quid Novi. It was about this thing he has for A. Boisclair. I just read the article. I can't stop thinking about it. I have a thing (bien?) for the Civil Code of Québec. It is new-found affection, as was the case in *Wood and Boisclair*. I have stolen Mr. Wood's textual precedent (ad contrario to my new civilian ways), to serve me (me in italics, he in font regular).

CCQ, you have seduced me. Like Anthony with Cleopatra, *Law I* with *angst*, my patriotic allegiance gives way in the face of you. *Professor Baker's legal pluralism* is out the window.

There are various explanations for the interest you arouse generally. Your relative youth, your circle (which I gather includes *Dean Kasirer*, one of the French-speaking world's most celebrated *system-crossers*), your status as the continent's *foremost*

openly *bi (lingual)* political text. Even your past indiscretions (see *Art. 959's ambiguity*) point to a dynamic, rounded personality. Some are drawn to your *girth*, your *bluish face* - what the *Dean* and *Professor Brisson* call "[b]ound colourfully as a book rather than between the off-white paper covers of officialdom/ [p]résumé dans le format d'un livre à couverture colorée plutôt que dans la parure habituelle—et terne—des lois officielles."

But for me it isn't about those things. People don't really go to *public libraries* or have *penpals* any more. At any rate, it isn't solely about those things. It is more

sophisticated than that.

It started with a vague stirring. To the extent that I had given it any thought, I always identified as a straight and narrow *common law guy*. Now I see that the awakening began when I moved to Quebec, in August: I was struck by the sheer difference of the place, resolute against the odds. *Human rights activists* and minorities have a sympathetic appeal. They have that much, at least, on the complacent majority.

And then I saw you, for the first time, *online*. The download far outsized the grainy videos I usually watch - they only last 10 seconds and I ▶

play them on loop because the full versions aren't free - which should tell you something about my level of commitment.

The topic was *unconscionability*, of course - you call it *excessively and unreasonably detrimental*, one of your endearing rhetorical subtleties

- and, for once, I listened. You weren't wrinkled like the other ones. To surrender to your vigour was thrilling in an edgy way, carrying with it a hint of treachery. How often does a person get to feel *sexy* these days? It's a *seventies* sentiment.

My *common law* friends dis-

miss this all as a phase, tracing it back to my purchase of a *sixer of Rousse*. But what you have made me realize, ironically, is that there is a middle ground even on the divisive *patrimonial/extra-patrimonial* question. What happens, happens. If you are the victor, let me be a spoil. (*This textual perversion shall not*

be taken as the express or tacit manifestation of my will in supporting or opposing Mr. Wood in his campaign for Second Year President. Though I thank him, wish him luck, and say, "good for you!")■

The Legal Developments in China Since Its Accession to the WTO in 2001

by Professor John Shijian Mo
Dean, Faculty of International Law
China University of Political Science and Law (CUPL)
Director of CUPL Centre for Trade Remedies
Arbitrator of CIETAC

*APLAM Quid series:

On Feb. 10, 2006, Asia-Pacific Law Association of McGill (APLAM) organized a lecture given by Professor Dean John Shijian Mo from the Faculty of International Law, China University of Political Science and Law, Beijing. A leading expert on international commercial and trade law, arbitration, and maritime law, Dean Mo has published 32 articles and 5 books in the past 5 years on these topics, and several English books of his are available at the McGill law library. Professor Mo has an LLM from Dalhousie Law School, a PhD from Sydney University, and a LLB from Monash University in Australia.

In this lecture, Prof. Mo gave us updates about the legal developments in China since its accession to the WTO five years ago. APLAM is pleased to share this great lecture with all of us.

Albert Chen of APLAM kindly took notes for Dean Mo's lecture. We would like to also give special acknowledgement to Dean Mo, who generously sent us his PowerPoint slides for the purpose of these lecture notes. Last, thanks to LSA and SSMU for providing the funds for this lecture.

To put things into context, we have to first look at some facts after 2001 since there have been a number of economic changes since then.

A. Major economic developments

1. Increasing trade:

In 2005, the total import and export of China was estimated at US\$1422 billion (export US\$762 billion, import US\$660 billion), the highest in the history of China's foreign trade;

China has become the 3rd largest trading country of the

world after US and EU. Sino-EU trade was US\$217 Billion, Sino-US trade was US\$211 billion, and Sino-Canada trade was US\$20 billion, making China the 2nd largest trading partner of Canada.

Since 2001, there have been many changes in the legal framework that has further opened up the Chinese economy:

2. Opening of banking market:

China has promised to open the domestic banking market fully to foreign banks 5 years after its accession; this means from the end of 2006, China's market will be open to foreign banks.

In 2001, there were about 157 foreign banking branches operating in China. In 2004, there were about 192 foreign banks operating in China. Much of this activity has been foreign banks, for example from Canada, Hong Kong,

Singapore, Germany, the US, and Korea, buying interests in Chinese banks. In 2005, 22 foreign financial institutions had invested in 17 Chinese banks.

3. Opening of domestic stock market:

It is said the domestic stock market will be further opened to foreign investors in 2006.

4. Opening of domestic insurance market:

In 2005, there were about 70 foreign insurance companies and 190 representative offices of foreign insurance companies operating in China.

5. Opening of China retail market:

Before 2003, there were restrictions in the areas of operation, quantity of operators and percentage of foreign holding in the retail industry; there have been no more ▶

restrictions after 2003.

6. China's agricultural sector and WTO:

Some people are worried that reducing tariffs on imports or increasing quotas for certain sensitive agricultural products such as grain and cotton will hurt China's agricultural sector. However, as of 2004, China's agricultural sector has not suffered:

In 2004, China's grain production was 469.47 million tonnes, an increase of 38.77 million tonnes in comparison with 2003, the fastest increasing rate since 1949.

In 2004, China cotton production was 6.32 million tonnes, about 30% increase in comparison with 2003;

Both agricultural export and import increased in 2004, showing a deficit of US\$4.64 billion;

Average income for farmers was about RMB2,936, a slight increase of 12% in comparison with 2003.

7. Structural problems:

800 shirts vs. a Boeing aircraft;

Textile disputes;

Irrational marketing activities by Chinese companies where they try to sell at a very low price.

B. Important developments in domestic law

1. Amendments to Foreign invest law

Abolishing requirements and restrictions which are prohibited by TRIMs Agreement;

Increasing protection to Chinese partners in IP transfer contracts;

On other hand, there are also restrictions, for example under terms of transfer of IP to joint ventures.

Using investment guidelines to guide investment activities;

Amendments to IP laws:

All IP laws have been amended;

Protection of rental rights under TRIPS;

Prohibition of parallel import of patented products;

Protection of well-known marks;

Prohibiting the practices of substituting another's labels by one's own on former's products;

In the past the Supreme Court said that this practice was legal because there was no law against it.

But this practice is unfair to consumers and to first producers.

Protection of new plant varieties;

There are now treaties on the protection of plant varieties.

3. Amendments to trade remedy laws:

China revised its Antidumping Rules in 2004 in line with the amendments to the Foreign Trade Law; the Rules provide more detailed rules in comparison with an earlier version, but still leave some issues and concepts undefined, such as ordinary course of business, determination of price, criteria

for determining damages, transparency of investigation and the right to seek judicial review, etc.

What are the criteria to determine damage? It is so difficult to have a transparent process. But at least the government is trying to increase enforcement of anti-dumping rules.

China published new Countervailing Rules in 2001 and amended the rules in 2004. The major change is the incorporation of public interest consideration in the determination of countervailing duty, including the application of the duty and suspension and termination of investigating process;

It is difficult to determine public interest, but this consideration also gives more discretion to the authorities in the duty and suspension of investigating process.

In 2004, the Safeguard Rules were amended, revising the concepts of absolute increase and relative increase in line with the Safeguard Agreement, setting out more detailed rules for determining public interest in the application of safeguards, and extending the maximum period of operation to 10 years.

4. Amendments to Foreign Trade Law:

Abolishing the foreign trading license system, and establishing a registration system to administer foreign trade;

Maintaining foreign trade permits in certain sectors where only state owned companies are allowed to participate;

Grounds for controlling certain trading activities - i.e. petroleum;

Stating principles for antidumping, countervailing duty and safeguards in China.

By setting out such principles, this is an improvement in transparency.

5. Improvement in government transparency:

Many laws and regulations concerning government administration of trade and commerce have been amended, increasing foreseeability, stability, and transparency;

Administrative efficiency has improved.

Reform of judicial system:

TRIPs Agreement and transparency requirements; China has to publish intellectual property (IP) court decisions; but I haven't seen this happen yet. I don't know how courts decide which cases to make public.

Improving the quality of judges;

Chinese NOT an official language of WTO. How can we enforce judgments by the WTO that are given in English? The Chinese Supreme Court said that WTO decisions/law have to be converted into domestic law and there is no direct application.

Increasing transparency in judicial process and in judgment writing;

Courts try to adopt common law reasoning by giving facts and reasons.

However, there is no case law of people appealing administrative decisions of the commerce department. ▶

QUID NOVI

Under administrative law, it is possible to sue the commerce department, but not as to interpretation of WTO law.

Shortage of qualified judges to deal with problems arising from WTO rules is still a serious problem.

C. Trade remedies and barriers applied to China

Major target of anti-dumping rules:

In terms of quantity, China ranks number one in the world. It has encountered the largest number of anti-dumping actions worldwide; since 1979, more than 30 countries have launched about 600 antidumping cases against 4000 types of Chinese products;

More than 100 antidumping actions against Chinese products have been launched in US;

Market status is one of the major issues arising from overseas antidumping actions against Chinese products, now more than 25 WTO members have recognized market status of China;

Best available information is another issue which is considered by China to have been applied unfairly by foreign governments against Chinese products;

Now China is using same rule against other countries.

Safeguards and China's exports:

General safeguards apply to Chinese products;

Special safeguards also apply: art. 16 of the Protocol for China's Accession to WTO, art.

242 of the Working Party Report on China's Accession (textile trade);

More than 20 safeguard actions against Chinese products have been launched in US;

In 2005, a number of countries have launched safeguard investigations against Chinese textiles.

3. Countervailing duty and China's trade:

Since 2003, other WTO members began to apply countervailing duty against Chinese products;

Canada has launched a number of countervailing investigations against Chinese products.

4. Facing other trade barriers:

Chinese shoe shops were destroyed and burnt in Spain in 2005;

In Russia, goods of Chinese traders were taken away without clear reason;

South Korea announced a number of China-made preserved vegetables contained parasites and prohibited their sales. (China responded by banning the sale of a number of Korea-made preserved vegetables for the same reason);

Food safety regulations: Chinese products have been refused imports by US, Japanese and EU authorities for safety and health reasons; Product standardization may also be a trade barrier to many Chinese products.

5. Exchange rate and trade conflicts:

In 2005, US has pressed China

hard on China's foreign exchange system, sovereignty to determine foreign exchange rules vs. trade balance;

Exchange rate and countervailing duty;

Questioning US-China trade rhetoric/friction;

Differences in statistics between Chinese and the US government. The trade deficit is higher under US statistics. However, most exports from China are in fact from US companies. Chinese trade accounts for only 7% of US market.

China should be more liberal in terms of trading policy;

Chinese trade policy should be more transparent.

D. Trade remedies applied by China

Anti-dumping practices: China began to apply antidumping rules against foreign imports in 1996, and up to 2005, there had been about 50 anti-dumping cases initiated under Chinese law against imported goods.

Safeguard practices: China launched a safeguard investigation against the import of steel products in 2002.

Countervailing duty: China has not applied countervailing duty to foreign products.

E. China and WTO dispute settlement system

1. Active role as a 3rd party: China has participated many WTO disputes as third party, in the belief that it may learn a lot from the process and to ensure its own interest by participating.

2. China efforts to expand 3rd party rules: in the ongoing discussions on the reform of WTO dispute settlement system, China has presented its own views on how to reform the system of third party participation, in the hope that third party's rights in the proceeding can be expanded and strengthened.

3. China's passive role as a complainant: China has not taken anyone to WTO panel proceeding, probably due to a combination of political, cultural and practical reasons.

China's first case as respondent: US-China semiconductor and tax rebate case in 2004; US considered China's tax refund policy on exported semiconductors violating national treatment principle; EU, Japan and Mexico participated as third parties; the parties reached an agreement and the matter did not go to the panel proceeding.

F. China and free trade arrangements

China concluded free trade arrangements with Hong Kong and Macau in 2003;

China and Pakistan Free Trade Arrangements in 2005;

China and Chile Free Trade Arrangements in 2005;

China and ASEAN Free Trade Arrangements in 2005;

China is negotiating free trade arrangements with a number of countries, such as Canada, Australia, South Korea, New Zealand, South Africa, and Thailand. ■

Countdown to Law Prom 2006!!!

by Rachel Shamash and Mara Abols (Law III)

Stressed? Pressured? Can't seem to get started down the right planning path? Simply follow this Law Prom checklist to relieve those prom-time pressures and enjoy your perfect evening. Following this Law Prom checklist will help eliminate any stress that you may encounter. After all, Law Prom could be *the* most important night of your life and proper preparation will ensure that the night goes off without a hitch. If you're not into the Law Prom hype sweeping the Faculty and want to play it low key there's still some basic stuff you've got to get done. Use our checklist to keep it all in order.

Two Weeks Before Prom:

Start using this checklist
Ask how much money your parents are willing to contribute. Still need more cash?
Ask parents for a loan or get an after-school job
Buy ticket (and offer to buy your date's ticket too)

Note: if you are so cheap/broke/Jonah Mann as

to buy a ticket for the dancing portion of the evening only, consider making reservations at a Fresh-Mex restaurant, the fastest growing fast food segment in the U.S.

Got a potential date in mind? Just ask!

Select and begin your diet and exercise regime

Plan your outfit and do a trial run in front of a discerning panel of friends

If you plan on running for Law Prom Queen or King start campaigning! Consider poster boards and buttons to get the word out

One Week Before Prom:

Start getting extra rest. You'll want to be well rested on prom night!

Talk to your parents about Law Prom curfew, just so there are no unpleasant surprises

Begin to maintain hair and nails. See local salon with questions

The Day Before

Call up your date to say how much you're looking forward

to the big night

Day of Law Prom

8:45 AM Good morning! The day you have been waiting for is finally here. Take deep breaths and stay calm.

9:00 AM Take a shower

Don't forget to shave

Don't wash your hair (updos last longer with dirty hair)

Wash with smell good body lotion

9:15 AM Apply deodorant

9:16 AM Phone hotel room to confirm reservation and order flower-petal trail from door to canopy bed

9:20AM Wash your car and vacuum it, if applicable

10:00 AM Pick up corsage/boutonniere and stash it away in your fridge

1:00 PM Eat a healthy lunch - avoid "problem" foods

2:00 PM Hair appointment - wear a button-down shirt (so as not to mess your hairdo). Complain if the hairstylist does not do the Law Prom hairstyle you agreed upon. Remember, you are the customer!

4:00 PM Reapply deodorant

4:05 PM Apply body glitter

4:30 PM Don't forget:

Law Prom Tickets

Digital camera and extra film to capture the memories!

Binaca

Snus or body glitter

Cash to cover prom night incidentals

4:50 PM Be dressed, ready and waiting by the door for your date

5:00 PM Proper Law Prom etiquette states that you should be the first person your date encounters at the door. Take a deep breath, smile and open the door. Remember the importance of first impressions

5:10 PM Have your parents take photos just in case something happens to the official Law Prom photographer

6:30 PM Remember to have fun! There is only one Law Prom this year and this night will remain in your memory for eternity so LIVE IT UP!

Note: Remember to just say "no" if you feel uncomfortable in any way. If however you are planning on making Law Prom *extra* special, take all necessary precautions.■

WRITE FOR THE QUID

**We want to know what you think,
so send us your thoughts, your poetry,
your opinions, your drawings....**

SHOW US YOUR CREATIVITY AT WORK

QUID NOVI

Dear Students and Professors:

Every academic year, the Durnford Teaching Excellence Award is presented to a Professor who has excelled in teaching and demonstrated a considerable commitment to his/her students. **On behalf of the LSA Awards Committee, and after careful deliberation, it is my pleasure to present the 2005-2006 Durnford Teaching Excellence Award to Professor Daniel Jutras. Congratulations Professor Jutras!**

The Committee was faced with a very challenging selection process this year. We received a record 10 nominations, all for truly exceptional professors. The nominees in random order were: Prémont for Droit municipal, Cumyn for Civil Law Property, Jutras for Judicial Institutions and Civil Procedure, Campbell for Family Law, Klinck for Common Law Property, Jutras for Obligations Contractuelles, Lametti for Intellectual and Industrial Property, S. Smith for Contractual Obligations, Y. Emerich for Droit des biens, and S. Smith for Advanced Common Law Obligations.

In keeping with practice, the Committee took a comparative approach to selecting a recipient. One of the components in the selection process was a questionnaire filled out by students in the nominated courses. The questionnaire comprised 9 "rate your prof" type questions and 4 comment questions. The responses from questions 1 through 9 were averaged for each nominee and all of the nominees placed very close to each other, many with negligible distinctions. The comments from questions 1 through 4, on the reverse side of the page, were used to balance and give light to the numerical averages derived from questions 1 through 9. Finally, other factors that were considered included past nominations and awarding, type of course (subject matter, obligatory, elective, streamed, language, transsystemic, unisystemic), experience, pedagogy, presentation style, relationship with students, general consistency in student feedback from the forms, etc. Even after all of this, the decision was very difficult and still very close.

Students particularly appreciated PowerPoint style classes, class discussion, the transsystemic approach as well as the comparisons made even in unisystemic courses, clarity, the ability to clearly simplify that which is complicated, the use of practical examples to illustrate theoretical points, professors that have opinions but welcome criticism, fairness in evaluations, office-hours, and respect for students.

I would like to take this opportunity to congratulate all nominees for their commitment to quality teaching. I would also like to thank all students that entered nominations and filled out the in-class questionnaire. Finally, thank you to all the Committee members for the time and effort they have devoted to this process. This year's high response rate is the result of dedicated professors and students who are taking an active interest in their educations.

Sincerely,

Neil Modi
LSA Vice-President Academic
[On behalf of the LSA Awards Committee]

McGill On-Line Course Evaluations

On Minerva from March 16th to April 3rd

Let your professors know what you think. Let them know what you like or dislike, what works or what doesn't.

[This message has been brought to you by your VP Academic]

Connections: Students and Professors Get Chatty

by Ryan Anderson

Professor Tina Piper, in the midst of the mayhem of the Meredith Lectures, gracefully worked the chaos and made time for this conversation. She waxed hopeful and pragmatic about the creation of open collaborative medical research networks, pedagogy, and even threw in some fascinating personal facts. Professor Piper is a member of the Centre for Intellectual Property Policy, an Action Canada Fellow, and, well, read her staff directory biography.

So because I've been casually exploring the nature of legal pedagogy in these interviews, and you're someone that has successfully jumped from the student to the teacher side of the classroom, I have to ask you about your thoughts on teaching and learning in the academy. What do you feel are the elements that make up a successful classroom, both from a student and professor perspective? Furthermore, why teach?

I think it's about respect, understanding, and communicating as well. I need to understand where people are coming from, where they are in their lives, and how relevant these courses I am teaching are to students' educational project. It's important to see how these courses fit into their bigger picture. I've been really impressed by the way people engage each other in our class and I also appreciate how helpful people have been with me. And I really like how much currency is given to stu-

dents here at McGill. There is a good critical mass of students who want to do things differently and luckily the faculty gives students space to do that.

Personally I like teaching this class because it makes me take time and think about these problems in a new way. It's trite, but education is really more about the journey than the destination.

You went from U of T's Engineering Science program, specializing in electrical biomedical engineering, to Dalhousie for law, then clerked for the Chief Justice of the SCC, then did graduate work at Oxford, and are now here at McGill...from the certainty of science to the wide world of transsystemic ambiguity! What attracted you to law, and do the original reasons still hold true?

By the time I got to the end of my engineering degree everything was pretty theoretical, and really there were no answers. So I was really much closer to the ambiguity of law than you think...I'd be reading equations entirely made up of the Greek alphabet. I mean hey, what do you do with something like Infinity? Section one seems straight forward in front of that. So I'm comfortable with not having an answer for everything. I was attracted to law because of the consideration of the larger picture. When I was in engineering there was little interest of the political and social context of decision mak-

ing, and the externalities involved in decisions were often ignored. Law situated science for me.

You seem to be interested in exploring the nature and possibilities of public space, especially in the area of IP and medical technology. Why is it important?

The general idea is to try to encourage scientific development outside of the formal property regime. I'm into creating collaborative commons, encouraging people to share by giving them tools to trust one another enough to collaborate. Good things happen when we share!

How does this happen?

Well, by setting up licenses and agreements that allow players to order their relationships. I try to show the people I work with that there is a lot of flexibility in IP law. We explore what aspects of copyright they want to keep, and what aspects they don't with the goal of creating common spaces in mind. For example, certain copyright licenses allow you to share works as long as they are attributed and not used for commercial purposes. It's all about the bundle of rights....

You mention giving people the tools to trust one another...so trying to address the challenges in creating public spaces? Tell me about this in the context medical technology....

I'm working with IBM, the National Health Service (NHS) and hospitals in the UK, to facilitate sharing of mammograms for breast cancer research. My role isn't to build the system. I'm not an imaging or programming expert. But I know about law, and how to create the structures to get people to share more effectively.

So what are the challenges that you're addressing?

Some collaborations fall into disarray because parties get suspicious of their private partners, or public partners think they have something of value they need to protect. The NHS is worried that IBM will take their work and data and repackage and sell it. IBM is worried they won't see any returns from all the money they have put into the project. So my research focuses on creating certainty and predictability in these relationships.

A lot of this has to do with the role of licences in revitalizing and re-envisioning the public interest.

How do you write the public good into a licence?

It works something like this—an organization gets a patent and then licenses that patent. For example, a university will have a patent on a seed technology, but will have a license that then allows for use of the patent by non-profit or humanitarian groups. The university can then give out their seed technology to a Kenyan technology transfer NGO in a controlled manner who can pass it on to Kenyan farmers. This is an institutionalization of licenses for humanitarian purposes. ▶

QUID NOVI

You've done some work in Central America- doing what?

Well...suing the World Bank for negligence and organizing landless farmers and indigenous peoples.

What are your most marked

characteristics?
Apparently my facial expressions. I never get to see them but they get me in trouble all the time.

Where would you like to live?
My apartment - I've been away so much lately I've

missed it.
When and where were you happiest?
Grad school in England. It was Neverland.

What is your biggest everyday pet peeve?

Not being able to wear my pjs to work.

What talent would you most like to have?
Any type of artistic ability, legible handwriting even.■

The Sunshine Article
by Alison Glaser (Law I)

My husband's Grandfather is quite deaf. He is not fully deaf, but he has a hard time hearing most things, especially if spoken by a woman (because of the higher voice). However, there is one phrase that he will always hear, no matter who says it: "would you like a beer?"

In honour of St. Patrick's day and the last hurrah of partying that we will (must?) go through before exams, I figured it was time for an article about that lovely ambrosial beverage: beer.

Here are some fun facts about beer:

Beer, as all alcoholic drinks, is made by fermentation caused by bacteria feeding on the yeast cells, then defecating. This bacterial excrement is called alcohol.

Modern breathalysers work on a clever electrochemical principle. The subject's breath is passed over a platinum electrode, which causes the alcohol to bind with oxygen, forming acetic acid. In the process it loses two electrons, a process that sets up a current in a wire connected to the electrode. The higher the concentration of alcohol in the breath, the greater the electrical current, which can be read by a simple meter to indicate

intoxication levels.
The worlds strongest beer is 'Samuel Adams' Triple Bock, which has reached 17% alcohol by volume. To obtain this level, however, they had to use a champagne yeast.

Long ago in England people at pubs had a whistle baked into the rim of their beer mugs. The whistle was used to call the bar tender over for a refill. That is where the phrase "wet your whistle" came from.

Before the thermometer was invented the brewers would dip one of their thumbs or fingers into the mix to see if it was the right temperature for adding yeast. So, the thumb in the beer mix is where we get the phrase, "rule of thumb".

Recently, there have been some studies that suggest that beer may have similar health benefits to wine. The studies have shown that one drink a day for women or up to two drinks a day for men will reduce your chances of strokes, heart and vascular disease. A researcher at the Texas Southwestern Medical Center (May 1999) reported that those who consume moderate amounts of beer (one to two a day at the most) have a 30-40% lower rate of coronary heart disease compared to those who don't drink. Beer contains a similar amount of

'polyphenols' (antioxidants) as red wine and 4-5 times as many polyphenols as white wine. Alcohol has also been attributed of its ability to increase the amount of good cholesterol (HDL) into the bloodstream as well as help to decrease blood clots. Beer also contains vitamin B6, which prevents the build-up of amino acid called homocysteine that has been linked to heart disease. However, I'd just like to point out that you can only get these benefits if you drink one to two beers a night.

So, go out, enjoy yourselves - it is healthy for you, both mentally and physically. Don't forget to relax a lot before exams, since you will be in better shape to study.

Here is a recipe for beer can chicken (in honour of my article)

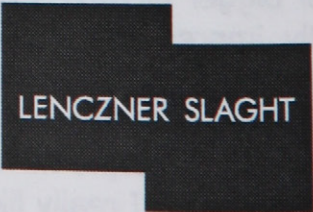
- 1 (4-pound) whole chicken
- 2 tablespoons vegetable oil
- 2 tablespoons salt
- 1 teaspoon black pepper
- 3 tablespoons of your favourite dry spice rub
- 1 can beer

Remove neck and giblets from chicken and discard. Rinse chicken inside and out, and pat dry with paper towels. Rub chicken lightly with oil then rub inside and out with salt, pepper and dry

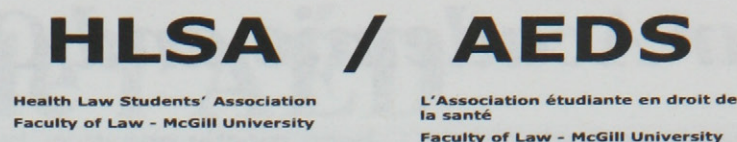
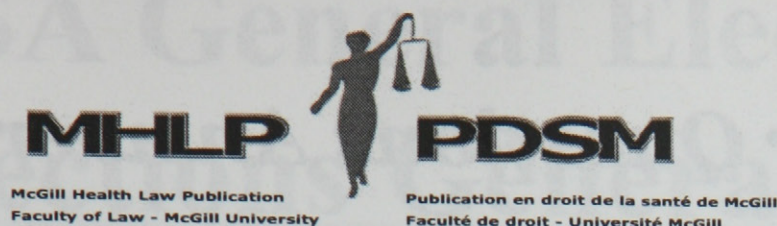
rub. Set aside.
Open beer can and take several gulps (make them big gulps so that the can is half full). Place beer can on a solid surface. Grabbing a chicken leg in each hand, plunk the bird cavity over the beer can. Transfer the bird-on-a-can to your grill and place in the center of the grate, balancing the bird on its 2 legs and the can like a tripod. Cook the chicken over medium-high, indirect heat (i.e. no coals or burners on directly under the bird), with the grill cover on, for approximately 1 1/4 hours or until the internal temperature registers 165 degrees F in the breast area and 180 degrees F in the thigh, or until the thigh juice runs clear when stabbed with a sharp knife. Remove from grill and let rest for 10 minutes before carving.■

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Implementing *Chaoulli v. Quebec*: Opening the door to private health care?

The McGill Health Law Publication and the Health Law Student's Association are hosting a discussion panel around the changing face of health care in Canada since the June 2005 Supreme Court decision in *Chaoulli v. Quebec*.

Le groupe de discussion interdisciplinaire et bilingue abordera les recommandations émises par le gouvernement du Québec lors de la publication du rapport *Garantir l'accès: un défi d'équité, d'efficience, et de qualité*.

Panelists include:

Marie-Claude Prémont

Faculty of Law
McGill University

François Béland

Département d'administration de la santé
Université de Montréal

Prometheas Constantinides

Psychiatre, l'hôpital Louis-H. Lafontaine
Médecins pour l'accès à la santé

Christopher Manfredi

Department of Political Science
McGill University

Date: Wednesday, March 22, 2006

Time: 5pm to 7pm - Reception to follow

Location: Moot Court
Faculty of Law, McGill University
3644 Peel Street, Montreal QC

Sponsored by:



For more information, including links
to further reading, please visit:
www.healthlaw.mcgill.ca

Dear Lord Denning:

Your Academic and Career Questions Answered

Last week we posted the following question:

Dear Lord Denning:

As a member of the first year class, I find that I have to take things as they come. The situation and environment that I walked into on September 1st was in no way controlled by my thoughts, actions, or criticisms. That has changed since then, or at least idealistically I'd like to think that my fellow 1st years and the rest of the faculty have impacted it's environment since. However, there is a lot of misunderstanding, misinformation, and just plain ignorance about the developments that have occurred in the Faculty's history.

One such development was the release of the Blackett Report on McGill's grading, evaluation and other policies. My classmates and I can't find it anywhere. After discussion with others I think it would be useful to know the comments that were made in this report. So Lord Denning, where is the Blackett report? Would you entertain us with your amazing prose and fill us in?

— Eric Boschetti

Dear Mr. Boschetti,

There is no doubt that you and your fellow first-year classmates have affected this faculty since September 1st. Listening to the rumour-mongers on a certain on-line discussion board, one would think that those effects have

been mostly negative, but I choose to shun such anonymous hearsay. It is difficult to take seriously any forum where debates are settled by typing in caps lock and pretending to be a partner at Davies. Contrary to the impression created by such gossip-mills, reliable sources have informed me that this year's new students are a bright, ambitious, and perhaps slightly mischievous group.

However, I believe you are right that there is a lot of misunderstanding and misinformation about the inner workings of this faculty. Such misinformation leads some students to mistakenly believe that faculty and staff members are their adversaries rather than people genuinely interested in seeing their students succeed. The Blackett Report is a perfect example of the faculty's interest in addressing student concerns.

The Blackett Report was commissioned by Dean Kasirer in 2004 to follow up on a 2002 discussion paper on grading by professor Daniel Jutras, chair of the Ad Hoc Committee on Ranking and Grading. The Blackett Report was written by professor Adelle Blackett in consultation with faculty, students, administrators and alumni. The aim of the report was to address various concerns with the faculty's grading, ranking, and pedagogical methods.

While there was some confusion recently as to the location of the Blackett Report, Lord Denning himself confirms that it can now be

accessed on the LSA website at law.mcgill.ca/lsa/lisadocs.htm.

The report contains fourteen recommendations, including: reforming the ranking system to include a more general table rank in place of the current comprehensive internal rankings; placing less emphasis on final exams in grading students; encouraging diverse methods of evaluation to allow students to better gauge their progress in a course; and re-evaluating the practice of designating graduates as having achieved "distinction"/ "great distinction".

The recommendations found in the report are currently at different stages in their implementation. One recommendation has already been adopted: a faculty policy requiring all classes to have exams make up a minimum of 60% of their final grade has now been repealed. In April, the Faculty Council will discuss the replacement of individual student rankings with a table ranking system. Discussion about the grading system and the potential to move to a Pass/Fail or similar system has been tabled until next year. And for future students, "distinction"/ "great distinction" at graduation may potentially be a thing of the past.

LSA VP academic Neil Modi informs me that more will be known about some of these proposals in coming weeks. VP Modi suggests that students with strong preferences or criticisms of these reforms begin voicing their opinion in the Quid once they are pre-

sented to students. He also encourages students to continue to ask questions and seek answers about their education.

There are pros and cons to both the current and proposed policies. The Blackett Report is a good place to start for this debate. Within the report are excellent discussions in reference to grading and a proper balance of fairness, non-arbitrariness, and encouraging academic achievement. But beyond the report are questions that students must ask themselves: What purpose do you believe grades should serve? Do you feel that improvements can be made in the pedagogy at this faculty? What do you hope to get out of your legal education?

Mr. Boschetti, your inquisitive spirit is to be commended. I hope the Blackett Report has proven to be less elusive than you initially believed,

Sincerely,

Lord Denning

(Lord Denning was aided in his research this week by Olivier Plessis.)■

LSA General Elections 2006

Élections Générales de l'AÉD

The LSA general elections will take place next Thursday, March 23rd, at the Porter's desk. Les Élections générales de l'AÉD auront lieu jeudi prochain, le 23 mars, au Porter's Desk.

The following blurbs were submitted by candidates. The blurbs of the acclaimed candidates follow. Given the delays associated with the publication of the Quid, this list might not be complete. The complete list will be posted next to the polling station. Les textes de présentation suivants ont été soumis par les candidats. En raison des délais liés à la publication de la présente édition, cette liste n'est peut-être pas complète. La liste complète sera affichée près du bureau de vote.

Running for ...

Président / President

Hans Black

I am asking for your vote for President of the LSA. Durant la dernière année, j'ai travaillé avec plusieurs d'entre vous dans de nombreux dossiers, mais je crois qu'il y a encore beaucoup à faire. Avec mon expérience comme VP Clubs et Services, je suis en mesure d'apprécier le dynamisme requis et les intérêts à satisfaire.

Every student pays into the CPO and it should reflect a wider array of job opportunities, with a new director now is the time. Orientation must move beyond bringing first-years together and help them integrate into our community. There is a desperate need for mentoring to help students understand the opportunities at the faculty. Together with the administration, we need to continue to invest in facilities.

The LSA is ultimately a team effort and I will work hard to make sure next year's student government is better yet. So please vote for Hans Black.

Adrian Lomaga

has withdrawn his nomination

Kara Morris

As LSA President, I will foster communication between the student body, the LSA, and the faculty through a new suggestion box and weekly presidential Quid update. I make sensitivity to diversity a priority- we must recognize that one size does not fit all law students.

Comme VP Athletics j'ai été sensibilisée aux rôles particuliers joués par l'AED au sein de la Faculté. Je continuerai à améliorer l'expérience étudiante à la faculté tout en aidant les étudiant(e)s dans leur cheminement dès la première journée.

My involvement with the student well-being initiative this year culminated in the creation of an LSA committee to continue this work. I hope to make coffeehouse a more community-oriented space and encourage faculty-student interaction. I will bring the community aspect back to coffeehouse with sponsored lunches as an alternative recruitment activity and have clubs partner with firms to harmonize private involvement with student priorities.

Vote Kara Morris.

QUID NOVI

VP Academic / VP académique

Ilan Gabizon

[No statement submitted]

Anne Merminod

As we all know, EVERYTHING IN THE FACULTY OF LAW IS PERFECT... However, as potential **VP Academic** I would deal with all academic matters whenever YOU feel that the Law Faculty is not that perfect. Je ne peux rien faire à propos des gens qui ne se lavent pas pendant les examens, mais peux contribuer à un changement in relation to the curriculum, professors and all other academic matters in which YOU may have an interest. Il y a place à amelioration à propos du: grading policy, the "wall of shame", course caps, summer classes, mootng, legal meth., office hours for teachers and library hours. Enough of disillusion. Ce n'est pas seulement les cours qui forment une expérience, c'est aussi l'implication personnelle et collective. J'ai envie de retrousser mes manches avec fierté et conviction. I want to use the LSA's power to promote YOUR interests!

VP administration

Eric Boschetti

Simple statement: I want to help. I'm the kind of person that likes to help out in anyway that I can. La Faculté est plein des bonnes idées qui ne se réalisent pas. I just want to help people do what they want to do. Même, si je ne "gagne" pas, je suis ici pour vous.

Myriam Couillard-Castonguay

En membre typique of l'Université McGill, I'll try to skillfully combine l'Anglais and French in my message, pour vous démontrer mon bilinguisme avec enthousiasme. I have been on student councils as well as my school's board of governors and I've done much volunteer work, including an experience at the Supreme Court of Ghana. Je suis dynamique, organisée, efficace et autonome, et je pense sincèrement être qualifiée pour ce poste ! As the graph to the left illustrates, suite à mon élection, the LSA's administrative capacity is projected to increase 650%.

My interests include "the world's fastest sport", jaialai (<http://www.dania-jai-alai.com/>) and becoming an astronaut or an undersea explorer.

J'ai des "études" en administration (cégep social science classes + Cal I & II). Je serais plus qu'heureuse de travailler pour vous et avec vous l'an prochain, et c'est avec grande motivation que j'accomplirais mes tâches!

Evan Perigoe

[No statement submitted]

VP Clubs and services

Stéphanie Bachand

Qui n'a pas fait partie d'un club ou bénéficié des nombreux services offerts à la Faculté? Clubs are so important to student life that they'll never get enough support. I want to ensure tools are available for students to realize their projects and develop their full potential. Accessibility of resources must go hand in hand with accountability,

As coordinator of *Equity Access' Immigration Portfolio*, I know what it's like to be involved in a club and how important it is to get support in order to achieve its goals. I've also experienced other aspects of life at this Faculty as a *Student Ambassador* and a member of the *First Year Feedback Committee*. En tant que *VP Clubs & Services*, je

m'engage à soutenir et renforcer les activités extra-curriculaires qui forment la richesse et le dynamisme de la vie étudiante à la Faculté !

Lindsay Tina Cheong

[No statement submitted]

VP Finance

Cassandra Brown

I'm running for VP Finance of the LSA because I want to be involved at McGill next year and because I really enjoy managing money and making sure that it is well spent. I have experience as a treasurer in student organizations and as a manager of a student run investment portfolio. I did my undergraduate degree in finance and I am familiar with the accounting programs used by the LSA. Additionally, I love being part of a team where I can contribute by helping other members to manage their portfolios, plan what they're going to do throughout the year and then carry it out on budget. Finally, I am always open to hearing suggestions for improvement or different ways of doing things, which allows me to respond to the needs of the group that I am working in and to be positive.

Please vote Cassie Brown for VP Finance!

Jean-André Gbarssin

Dear colleagues,

As your VP Finance, I will ensure that your fees will be invested so that we maintain and expand our portfolio of clubs and cultural interests.

As your VP Finance, I will put a great emphasis on my ability to answer budget-related questions informally and formally so that transparency is no longer an issue.

As your VP Finance, it will be my mission to advance our interests at SSMU's committees but also to foster our existing amicable collaboration with other faculties.

Je vous demande de me donner l'opportunité d'exprimer la compétence que j'ai acquise durant mon Baccalauréat en Finance et les nombreux projets de groupe auxquels j'ai pu participé. Travailler en groupe a toujours été une réussite pour moi, ce qui comme vous, m'a ouvert les portes de la Faculté de droit de McGill. Je m'engage à prolonger *notre* réussite.

Cordialement,

Jean-André Gbarssin

VP Public Relations

Claude Lévesque

Bonjour,

Je me présente au poste de V.P. Public Relations non seulement parce que j'ai les capacités et l'expérience nécessaire mais aussi parce que j'aime travailler dans ce domaine. Côté formation, j'ai un Bac en Communications. Côté expérience, j'ai travaillé pendant 6 ans comme consultant en planification des communications et en relations publiques. J'ai eu la chance de travailler à des projets dans les secteurs public, parapublic, corporatif et communautaire.

Au de-là de mes compétences, ma personnalité est mon plus grand atout. I am a people person; the kind that you want to bring to networking events. Speaking in public comes naturally to me. Always looking for the positive in any situation, I approach challenges with a smile. I intend to be the kind of V.P. that will be accessible and easy to talk to.

For me, public relations is not just a job, it's a state of mind.

QUID NOVI

Goran Marjanovic

Goran likes you. Goran wants to be your friend. Beer tastes good. You like beer. Beer costs money. Big law firms are rich. They have lots of money. They give law students jobs. They also give Goran money. Goran gives money to LSA. LSA buys lots of beer. You like beer. LSA holds coffeehouse. LSA gives you lots of free beer. You drink much beer. You have good time. You makes nice friends. Goran is a nice friend. You like Goran. Now you have a piece of paper. Goran's name is on the piece of paper. Goran is your friend. Goran is nice. You like Goran. He is good at PR stuff. Vote for your friend, Goran.

Second Year Class presidents (2 positions)

Christine Beltempo

I'm 19. I'm from Montreal (well, the South Shore, but except for the area code, it's pretty much the same...). And no, I don't have an undergrad. But does this in any way incapacitate me from representing you? Au contraire! Mon âge, mes racines de semi-Québécoise pure laine et mon zèle dû à mon expérience toute fraîche (et pas encore frustrée) avec la bureaucratie universitaire sont les raisons qui me motivent à vouloir devenir votre "liaison" avec l'AÉD. Considering our promotion's infamous energy, I also hope to work on our class' symbiosis by organizing more activities in a true Québécois/Canadian/Transsystemic fashion; d'une sortie à la Cabane Sucre (non c'est pas un bar...) à une soirée de hockey à un comité étudiant pour démystifier cette nébuleuse transsystème justement (!), ultimately, I am simply excited to represent you and hope that regardless of this you all know that you'll always find a sweetheart in Boucherville...

Natalie Haras

You've seen me in my Hudson's Bay coat and furry hat,
And no doubt wondered, who is that?

If you value integrity, ingenuity, hard work and wit, then vote for Natalie Haras. If I become Law II Class President, I look forward to representing the views of the second year class and working with the LSA to ensure that our activities are dynamic and meet the needs of law students.

This year I've been involved as a managing editor of the McGill Health Law Publication, the Lord Denning committee of the First Year Career and Mentoring Committee, and the Human Rights Working Group photo exhibit. I've also served as a student ambassador. Elect me and I'll put the same energy and enthusiasm into this position.

Vote for grit
Vote for wit
I'm a little funny
But my politics aren't crummy
The results are always sunny!

Tim Wood

As liaison between our class and the LSA, the main thing to remember is that I could do very little serious harm. No budget to manage, no high-level external contacts to nurture. I will stay the course set by our first-year co-presidents, who have done a fine job of acting on individual students' concerns and furthering a sense of class spirit through social events. I propose at least one such event with our colleagues in law at U of M.

The Word of Wood... It's as Solid as Oak

The Following candidates have been acclaimed

VP Athletics: Cédric Soule

Who would have thought? The Montreal Canadiens have clinched the Eastern Conference's 8th playoff spot. Tampa Bay is 7th, and they're one point ahead of us, but we are two games behind. And Toronto is 5 points behind us in 11th place. You know what they say about the Leafs, right? Vous m'excuserez, mais je ne pouvais laisser passer cette opportunité de souligner la performance extraordinaire des Canadiens. Et Toronto n'a vraiment pas l'air de s'en sortir. C'est ce que l'on appelle une situation réjouissante. By the way, I'm VP Athletics next year and couldn't miss the opportunity of being completely biased this once at least. And to round off this brilliant hockey exposé, I would like to add that an air hockey table would definitely be a cool addition to the law faculty. And that hockey isn't the only sport I'm interested in. So don't worry...

VP External: Erica Martin

[No statement submitted]

VP Internal : Hilary Johnson

Je suis très heureuse d'avoir été élue par acclamation au poste de VP interne. Je suis enthousiaste à l'idée de servir et représenter les étudiantes et étudiants de la faculté au sein de notre association étudiante.

My name is Hilary Johnson and I am from Sherbrooke, Québec. I believe I have the necessary experience to diligently fulfill my duties on the Law Students' Association. I was VP external in my last year of Cegep (Champlain Lennoxville), and my work experience as a director for English language immersion programs have allowed me to acquire the skills necessary to organize, coordinate and carry out conferences and events.

Afin d'être au diapason de vos demandes et aspirations, si vous avez des suggestions, n'hésitez pas de me les faire parvenir ! Bonne fin de session et que l'amour de Dieu soit avec vous.

Third Year Class presidents (2 positions)

Oana Dolea

Hello, my name is Oana, and I served as the LSA Council's Speaker for this year, 2005-2006. In that capacity, I was able to gain a good understanding of the workings of the Council and of the job of class presidents, in preparation for my job as class president next year. It will be a pleasure to represent the third year class in 2006-2007! As goals for my mandate, I would like to foster an increased sense of community among the third years by organizing different fun events and, of course, continue to bring to the attention of LSA Council and, through it, to the faculty at large, any concerns that will be brought to myself and Shaya, my co-president. Finally, I hope all of you will stay involved in the faculty even as you will be nearing the end of your time here. Looking forward to a great year! ☺

Shaya Silber

Hello,

I don't have much to say. But I think it would be good to have some holy santos brought to the faculty... to guard the hallway and to bring us good luck. El Santo Niño de Atocha is a good one. My Aunt Concha has seen him. And... - we have a great F.F.A. schedule lined up... - and I'd like to see more of that.

If you vote for me, all of your wildest dreams will come true.

Thank you.

Fourth Year Class Presidents (2 positions)

Andrés J. Drew

I just can't get enough! Je vous aime!

[No statement submitted]

SPEAKING THE UNSPEAKABLE: **A CONVERSATION WITH SURVIVORS** **OF THREE GENOCIDES**

What does it mean to survive genocide? How can life make sense in the aftermath of radical evil? Does human rights discourse adequately capture the gravity of such an experience? Is justice possible for the ultimate crime? Do we learn from history or is "Never Again" an empty promise?

These probing questions will be discussed in an intimate conversation with three extraordinary persons:

Hédi Fried is a Holocaust survivor who was interned at the Auschwitz and Bergen-Belsen camps. She is an accomplished psychologist and human rights advocate residing in Sweden.

Youk Chhang is a survivor of the 1975-79 Khmer Rouge genocide. He is the Director of the Cambodia Documentation Centre in Phnom Penh and has played a leading role in advocating accountability for Khmer Rouge crimes.

Esther Mujawayo is a survivor of the 1994 genocide in Rwanda. She is the founder of the women's support group Avega and author of both the remarkable memoir *Survivantes* and *La fleur de Stéphanie*, about her search for truth following the killing of her sister along with her entire family in 1994.

Moderated by **Payam Akhavan**, Maxwell Boulton Senior Fellow at the McGill University Faculty of Law and former UN war crimes prosecutor

The speakers and moderator were participants at the 2004 Stockholm International Forum on Prevention of Genocide, organized by the Swedish Prime Minister's Office. They are promoting the book *Beyond the Never Again* in which they and others are interviewed about the prevention of genocide and other crimes against humanity.

This event is sponsored by the Embassy of Sweden in Ottawa, the McGill University Faculty of Law, and the Centre for Human Rights & Legal Pluralism

Friday, April 7th, 2006, 1:30 to 3:30 p.m.
McGill University, Faculty of Law
Chancellor Day Hall, Moot Court